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SUBJECT: USOSCE AMBASSADOR MINIKES' MEETINGS WITH ASTANA
OFFICIALS

11. (SBU) Summary. On April 26, U.S. Ambassador to the OSCE Minikes, accompanied by Ambassador Ordway, met separately with Deputy Speaker of the Mazhilis (lower house of Parliament) Dyachenko, Chairman of the Central Elections Commission Zhumabekov, and Minister of Justice Baliyeva. Ambassador Minikes underscored U.S. interest in a successful Kazakhstani candidacy for OSCE Chairman-in-Office in 2009. He cautioned, however, that a successful CiO bidder must embrace OSCE principles and be prepared to shoulder substantial operational duties. Astana officials unanimously acknowledged the responsibilities of taking the CiO position but argued in varying degrees that local political reforms would be tempered by Kazakhstan's security needs and traditions. End Summary.

Assessing Kazakhstan's OSCE CiO Candidacy

12. (SBU) During his April 26 meetings with Astana officials, Ambassador Minikes explored themes associated with Kazakhstan's candidacy for the OSCE CiO in 2009. He noted that the United States had made no final decision on support for the 2009 Chairmanship. Leadership of the OSCE, he said, was open to countries that embrace the organization's principles. The CiO is not a reward for showing promise, or for doing relatively better than another country. He cautioned that with the OSCE's structure that vested day-to-day political and even managerial leadership in the Chair, rather than in a strong Secretary General, the CiO had to be ready to bear

SIPDIS

substantial operational responsibilities for the organization.

13. (SBU) The United States, Ambassador Minikes continued, is working hard to see that Kazakhstan's candidacy is welcomed rather than reluctantly received, or not received at all. Describing the possibility of Helsinki Commission hearings, he emphasized that a decision on Kazakhstan's bid is not in 2009 but now. Since the CiO position for 2009 will be decided in December 2006, OSCE members must review Kazakhstan's candidacy in the coming months since time would be needed to find an alternative if Astana is not ready. An early assessment would also help avoid any last minute embarrassments in the selection process.

14. (SBU) Ambassador Minikes expressed concern over signs that Kazakhstan's commitment to democracy was weakening, particularly recent legislation that restricted the freedom of assembly, the law on extremism, and the harassment of NGOs. Kazakhstan's implementation of OSCE principles, he said, was below the median although better than in some other places. The United States wants Kazakhstan to succeed, he said, but Astana must work hard. Kazakhstan must provide leadership rather than being simply a follower. Winning the Chairmanship is not a fait accompli.

Reaction in Parliament

15. (SBU) Deputy Speaker Dyachenko, accompanied by MPs Doskalov, Sagadiyev, and Zholshybekov, described the OSCE CiO position as an honor and a responsibility. Dyachenko maintained that reforms are underway but acknowledged problems remain. The Deputy Speaker said that Kazakhstan would undertake steady progress on democracy that does not outpace addressing transnational threats such as terrorism and narcotics trafficking. Zholshybekov attributed Kazakhstan's candidacy to the country's desire to play a greater role in the world community. Doskalov highlighted Kazakhstan's interest in OSCE recommendations for judicial reform but said that the high priority placed on security must also be taken into account.

CEC -- Committed to Free and Fair Elections

16. (SBU) CEC Chairman Zhumabekov offered assurances that Kazakhstan is committed to the Copenhagen Declaration and

to holding fair and open elections and permitting peaceful rallies. However, Kazakhstan's partners, he continued, must understand that reform is a "step by step" process and thought that 2015 was a realistic goal for reaching Western standards. Our leaders are "realists," Zhumabekov responded, and no one believes that Kazakhstan is at the end of the reform road. Astana wants to retain the country's greatest wealth -- its political stability and inter-ethnic tolerance.

17. (SBU) The "loudest" democrats in Kazakhstan are not "real" democrats, just disgruntled ex-officials, Zhumabekov asserted. Opposition party Democratic Choice of Kazakhstan (DCK) strayed from legality when it declared the central government "illegitimate." Referring to recent events in Kyrgyzstan, Zhumabekov warned against giving in to a "mob mentality." Ambassador Minikes stressed the importance of the work of the CEC in building support for Kazakhstan's candidacy and urged the CEC to work closely with ODIHR. Presidential elections, he added, must be judged free and fair by the international community. He noted that the OSCE would like to send observers for the election. Zhumabekov, without responding to the request, pointed out that elections will be held in September 2005 for the Senate.

Justice -- Apply OSCE Principles in Local Context

18. (SBU) Justice Minister Baliyeva was her usual never-at-a-loss-for-words self. Not knowing what she is talking about is no obstacle. When she does know, she can be even more adamant. She said that the government will balance reform against the need for stability. All residents of Kazakhstan must abide by the law and that was the rationale behind inspecting NGOs. Legislation on the financing of NGOs is in draft and is an extremely sensitive subject. Why should NGOs receive foreign funding when internal funding sources are, today, quite adequate. The law, she noted, bars groups from "pressuring" the work of the CEC. Baliyeva insisted that if the OSCE looked at the totality of developments in Kazakhstan, it could not fail to find progress. She criticized the OSCE "political prisoner" paper on DCK leader Zhakiyanov. A review of the scope of the case, she insisted, would reveal that his prosecution was entirely on criminal grounds.

19. (SBU) Each OSCE member, Baliyeva continued, is free to take OSCE recommendations into account as it sees fit since the recommendations are not mandatory. No country, she said, can claim 100% compliance. She maintained, however, that Kazakhstan would abide by the Copenhagen Declaration. Ambassador Minikes responded that human rights are not just an issue to be discussed in the context of sovereignty but a very proper matter for the international community, especially under Helsinki Final Act principles. By joining the OSCE, a country accepts that proposition. He asked how Kazakhstan would lead the OSCE if members could opt out of basic principles. Baliyeva maintained that OSCE principles would be used to "resolve" issues but that the purpose of the OSCE was not to establish democracy in "one day."

110. (SBU) Baliyeva argued for reviewing each country's history and using that to tailor the OSCE's approach on the question of respect for human rights. She decried examples of OSCE double standards in terms of pronouncements on elections in Ukraine (allowing absentee ballots) and Afghanistan. Ambassador Minikes pointed out that Afghanistan is not an OSCE member but a cooperative partner. He denied that any double standard existed. The problem, he concluded, was often the double application of a single standard.

111. (SBU) Comment: While Kazakhstani officials across the board acknowledged the responsibilities of taking on the OSCE Chairmanship, Astana also seems determined to make the case for democracy -- Kazakhstani style. Senate elections in September 2005 may offer a near-term albeit limited opportunity to assess Kazakhstan's commitment to minimal OSCE standards for democratic political process. End comment.

112. (U) This cable was cleared by Ambassador Minikes.

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